

ANDRÉ JACQUE

STATE REPRESENTATIVE • 2nd ASSEMBLY DISTRICT

(608) 266-9870
Fax: (608) 282-3602
Toll-Free: (888) 534-0002
Rep.Jacque@legis.wi.gov

P.O. Box 8952
Madison, WI 53708-8952

**Testimony on Assembly Bill 618
Committee on Transportation
February 28, 2012**

Chairman Petrowski and members of the Assembly Committee on Transportation,

Thank you for holding this hearing and for the opportunity to testify before you in support of Assembly Bill 618. I am pleased to author this legislation in an effort to conserve taxpayer dollars, clarify existing language, and put into effect the original intent of current law regarding sign placement affected by new construction, thus allowing municipalities to explore additional options for minimizing construction-related costs.

If a DOT highway project requires the relocation of an outdoor advertising sign no longer in conformity with local ordinances, a protracted, costly and bureaucratic process often ensues. Currently, a municipality has two choices when a sign is in nonconformity with a local ordinance – they may have a sign “realigned”- that is, relocated only on the same site- or they may have the DOT condemn it. Without the option of “relocating” the sign to a different site for a fraction of the cost, as AB 618 would allow, municipalities’ are currently faced with condemnation costs frequently running upwards of \$100,000.

As has happened in some highway projects where signs are impacted, such as the Highway 41 reconstruction through the Green Bay suburb of Howard, no part of the site in which a sign currently sits may be suitable for “realignment”. Brought to my attention by a well-respected business in my district, NextMedia, in this instance highway plans set road construction 20 feet higher than an ordinance’s standard for sign height. As the ordinance requirement was based on *height above ground level* instead of *height above road grade*, the freeway once constructed would completely eclipse the sign, regardless of “realignment” anywhere on the same site.

This bill removes the restrictive use of “realignment” in current statute and substitutes “relocation”, which by definition would include new locations within the same municipality, not just on the same site. This redefinition allows both for removal and relocation of existing signs or replacement with new signs using new materials. Under the bill, if a municipality chooses to allow the outdoor advertising sign to be relocated within its boundaries, the new site for the sign must meet all State and Federal sign permitting requirements. The size of the sign face and the number of sign faces on the sign structure must remain the same as before. However, the height of the sign can be lowered or raised to keep the sign the same height above road grade.

Wisconsin taxpayers have been paying more for highway improvement projects and getting less for their tax dollars because of the real estate practices of the DOT and some municipalities that prohibit signs from being moved to a new location within their jurisdiction.

AB 618 will simplify the cost and process for sign relocation without jeopardizing critical business revenue for outdoor advertisers, marketing opportunities for businesses, and tax revenue for municipalities.

Thank you again for your consideration, and I welcome any questions at this time.



CITIZENS FOR A SCENIC WISCONSIN, INC

CHARLES WEETH, EXECUTIVE DIRECTOR

122 17th St S

La Crosse, WI 54601-4208

Voice (608)784-3212

FAX (608)782-2822

charley@scenicwisconsin.org

www.scenicwisconsin.org

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The Limit Local Controls & Shift Responsibilities for State Highways from WisDOT Bill AB 618 - SB 493

We urge you to oppose this bill and rescind 2011 Wisconsin Act 32 [§84.30 (5r)]!

The Wisconsin Department of Transportation (WisDOT) has the responsibility under [§84.30](#) to control outdoor advertising (signs) adjacent to the Interstate and our primary highways. WisDOT also has the administrative policies and staff with experience to address the unique challenges of removing or relocating outdoor advertising as a result of a state highway project, including the determination of 'just compensation' to the sign owner.

[AB 618](#) and the companion [SB 493](#) clarifies a change to [§84.30](#) under the [2011 Wisconsin Act 32](#) that was added as a "budget" item last year by the Joint Finance Committee (JFC). The original change requires a municipality rather than WisDOT determine and pay the 'just compensation' for outdoor advertising that is non-conforming due to local ordinance and that must be realigned as a result of a state highway project.

This change to the statute did not follow the usual course with publication of the bill, a public hearing(s) and votes by the Assembly and Senate. As a result, this is the public's first opportunity to be heard on this issue.

The clarification in AB 618 / SB 493 not only allows for the relocation of the non-conforming sign on the same parcel, but now requires the municipality rather than WisDOT pay for the relocation; or pay for and allow a replacement sign to be erected at another location within the municipality. It also allows the replacement sign to be erected with new materials and as tall as, or taller than the original non-conforming sign at either the exiting location or a new location.

If the replacement sign cannot be erected in a new location in the municipality because there is none that is zoned and used for commercial or industrial purposes, with a landowner willing to sign a lease with the sign owner; or if the sign owner determines the new location is not acceptable for whatever reason, the sign owner must now be paid 'just compensation' by the municipality rather than by WisDOT.

This can create an administrative nightmare for the sign owner, the municipality and WisDOT, possibly resulting in expensive and protracted litigation for all parties.

The purpose of the change and these bills is simple: remove local controls and shift the costs of the outdoor advertising control program adjacent to state highways from WisDOT to local municipalities, thus putting local municipalities in the position of either accepting new signs or raise property taxes/cut services in order to remove non-conforming signs for state highway projects.

We believe this is yet another of the many efforts to weaken the "effective control" of outdoor advertising as required by the Highway Beautification Act (HBA) of 1965, which Congress enacted "in order to protect the public investment in such highways to promote the safety and recreational value of public travel and to preserve natural beauty".

We are very concerned that further weakening the required "effective control" not only harms our scenic Wisconsin, hinders economic development and jobs, but places the State at risk of losing 10% of our annual Federal highway funds and repayment of millions of Bonus Act funds.

12 CSW Position on AB 618 - SB 493 - Limit Local Controls and Shift Responsibilities for State Highways from WisDOT

Mr. Vernie Smith
540 E. South St.
Viroqua, Wisconsin 54665

February 28, 2012
HAND DELIVERED

Assembly Transportation Committee
Wisconsin State Legislature
Madison, Wisconsin

Subject: Public Hearing AB 618 Billboards relocated because of State Highway Projects

Opposition to AB 618

I would like to encourage every legislator – *every* Transportation Committee member – to look at the flaws in this bill. Even if you have been supportive of the billboard interests in the past, I encourage you to give this bill a critical look.

The best thing we can do to help the business climate of our state is to improve the livability of our communities. We do this by supporting their efforts to improve themselves.

A community improves itself by maintaining its physical infrastructure, its schools, parks, streets and street trees. A community needs to be a place where people want to work, shop, live and raise families, open businesses and spend money.

The state should not unnecessarily take away tools from the local 'tool box' that help a community create and maintain a place that its residents can be proud of.

This bill does that.

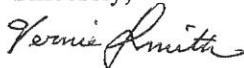
If a community has enacted ordinances to control billboards they have done it for good reason. If a state highway project is changing a street in a community and a nonconforming billboard stands in the way of that street improvement it should be removed as part of the project. It should not be relocated a few feet away on the same property, and it certainly should not be moved or built new somewhere else.

This bill forces that on a community.

AB 618 is nothing but a way of intimidating communities to back off from billboard regulation or pay dearly. It is a form of coercion and extortion, backed up by the state.

I respectfully urge committee members not to support AB 618.

Sincerely,



Vernie Smith

608-637-8654



122 W. Washington Avenue
Suite 300
Madison, Wisconsin 53703-2715

608/267-2380
800/991-5502
Fax: 608/267-0645

E-mail: league@lwm-info.org
www.lwm-info.org

To: Assembly Committee on Transportation
From: Curt Witynski, Assistant Director, League of Wisconsin Municipalities
Date: February 28, 2012
Re: AB 618, Billboards Relocated as a Result of DOT Projects

The League of Wisconsin Municipalities opposes AB 618, clarifying a change to Wis. Stat. sec. 84.30 that was added to the state budget last year by the Joint Finance Committee. Under the original change, if a DOT highway project causes a billboard that does not conform to a local sign ordinance to be realigned, the realignment does not affect the sign's nonconforming status. The budget change requires a municipality rather than DOT to pay the billboard owner "just compensation" for a billboard that is non-conforming under a local sign ordinance and that must be realigned or removed as a result of a state highway project.

This significant policy change made in the state budget did not flow out of a separate bill that had received a public hearing. Consequently, this is the public's first opportunity to be heard on this issue.

The clarification made by AB 618 not only allows for the relocation of the non-conforming billboard on the same parcel, but requires the municipality to pay for the relocation; or pay for and allow a replacement billboard be erected at another location within the municipality. It also allows the replacement billboard to be erected with new materials and to be as tall as, or taller than the original non-conforming billboard at either the existing location or a new location.

If the replacement billboard cannot be erected because there is no location in the municipality that is zoned commercial or industrial with a landowner willing to sign a lease with the billboard owner, or if the billboard owner determines the new location is not acceptable for whatever reason, the billboard owner must now be paid 'just compensation' by the municipality rather than by DOT.

The budget change and AB 618 emasculate local sign ordinances. These changes place municipalities with sign ordinances in the position of either allowing non-conforming billboards to be relocated or cutting services in order to pay for their removal.

We urge you to vote against recommending passage of AB 618. Thanks for considering our comments.